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HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF
HUMAN RIGHTS INSTRUMENTS

Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Report of the Secretary-General

1. The General Assembly, by its resolution 39/46 of 10 December 1984, adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment contained in the annex to that resolution, and called upon all Governments to consider signing and ratifying the Convention as a matter of priority.

2. The Convention was opened for signature in New York on 4 February 1985. In accordance with article 27 thereof, the Convention entered into force on 26 June 1987, on the thirtieth day after the date of the deposit with the Secretary-General of the twentieth instrument of ratification or accession.

3. In its resolution 47/113 of 16 December 1992, the General Assembly welcomed the report of the Committee against Torture, 1/ stressed the importance of strict adherence by States parties to the obligations under the Convention regarding the financing of the Committee, thus enabling it to carry out in an effective and efficient manner all the functions entrusted to it under the Convention, and urged States parties that had not yet paid their assessed contributions to fulfil their obligations forthwith. Further, the Assembly welcomed the attention that the Committee had given to the development of an effective system of reporting on the implementation of the Convention by States parties, and especially its revision of its general guidelines for the submission of reports by States parties, as well as its practice of formulating concluding observations after the consideration of such reports. The Assembly welcomed also the continuing close contacts and exchange of information, reports

* A/49/150.

and documents between the Committee against Torture and the Special Rapporteur of the Commission on Human Rights on questions relating to torture; requested the Secretary-General to ensure the provision of appropriate staff and facilities for the effective performance of the functions of the Committee; reiterated its request to all States to become parties to the Convention as a matter of priority; invited all States ratifying or acceding to the Convention and those States parties which had not yet done so to make the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20; and requested the Secretary-General to submit to the General Assembly at its forty-ninth session a report on the status of the Convention.

4. In its resolution 1994/38 of 4 March 1994, the Commission on Human Rights encouraged the States parties to notify the Secretary-General as soon as possible of their acceptance of the amendments to articles 17 and 18 of the Convention, 2/ urged States parties that had not yet paid their assessed contributions, and in particular those whose arrears pertained to two or more consecutive financial periods, to fulfil their obligations forthwith; urged all States to become parties to the Convention as a matter of priority; and invited all States ratifying or acceding to the Convention and those States parties that had not yet done so to make the declarations provided for in articles 21 and 22 of the Convention and to consider the possibility of withdrawing their reservations to article 20.

5. As at 15 August 1994, the Convention had been ratified or acceded to by 82 States. In addition, 15 States had signed the Convention. The list of States that have signed, ratified or acceded to the Convention, as well as the dates of their signature, ratification or accession, is contained in the annex to the present report.

6. As at the same date, 35 of the States parties to the Convention, namely Algeria, Argentina, Australia, Austria, Bulgaria, Canada, Croatia, Cyprus, Denmark, Ecuador, Finland, France, Greece, Hungary, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovenia, Spain, Sweden, Switzerland, Togo, Tunisia, Turkey, Uruguay, Venezuela and Yugoslavia, had made the declarations provided for in articles 21 and 22 of the Convention. In addition, one State party, the United Kingdom of Great Britain and Northern Ireland, had made the declaration provided for in article 21 only, thus bringing the total of declarations under that article to 36. Under article 21, a State party to the Convention may declare at any time that it recognizes the competence of the Committee against Torture to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Convention. Under article 22, a State party to the Convention may declare at any time that it recognizes the competence of the Committee to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State party of the provisions of the Convention.

7. The provisions of articles 21 and 22 entered into force on 26 June 1987 in accordance with paragraph 2 of article 21 and paragraph 8 of article 22.

8. The fourth meeting of the States parties to the Convention was convened by the Secretary-General at the United Nations Office at Geneva on 24 November 1993 to elect five members of the Committee against Torture to replace those whose terms of office were due to expire on 31 December 1993 and to decide on questions relating to the financial obligations of States parties under the Convention. In accordance with article 17 of the Convention, five members of the Committee against Torture were elected for a term of four years beginning 1 January 1994. Accordingly, the membership of the Committee for 1994-1995 is as follows:

Mr. Hassib Ben Ammar (Tunisia)

Mr. Peter Thomas Burns (Canada)

Mr. Alexis Dipanda Mouelle (Cameroon)

Mr. Fawzi El Ibrashi (Egypt)

Mr. Ricardo Gil Lavedra (Argentina)

Mrs. Julia Iliopoulos-Strangas (Greece)

Mr. Hugo Lorenzo (Uruguay)

Mr. Mukunda Regmi (Nepal)

Mr. Bent Sørensen (Denmark)

Mr. Alexander M. Yakovlev (Russian Federation)

9. The Committee against Torture held its ninth, tenth, eleventh and twelfth sessions at the United Nations Office at Geneva from 9 to 20 November 1992, from 19 to 30 April 1993, from 8 to 19 November 1993 and from 18 to 28 April 1994, respectively. In accordance with article 24 of the Convention, the Committee submitted its annual reports, 3/ covering its activities at the sessions referred to above, to the States parties and to the General Assembly at its forty-eighth and forty-ninth sessions.

Notes

1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 44 (A/47/44).

2/ Adopted by the Conference of States Parties to the Convention on 9 September 1992 in accordance with article 29, paragraph 1, of the Convention (CAT/SP/SR.4) and endorsed by the General Assembly in its resolution 47/111 of 16 December 1992.

3/ Official Records of the General Assembly, Forty-eighth Session, Supplement No. 44 (A/48/44 and Add.1) and Forty-ninth Session, Supplement No. 44 (A/49/44).

ANNEX

List of States which have signed, ratified or acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as at 15 August 1994

State	Date of signature	Date of receipt of the instrument of ratification or accession
Afghanistan	4 February 1985	1 April 1987
Albania		11 May 1994 a/
Algeria b/	26 November 1985	12 September 1989
Antigua and Barbuda		19 July 1993 a/
Argentina b/	4 February 1985	24 September 1986
Armenia		13 September 1993 a/
Australia b/	10 December 1985	8 August 1989
Austria b/	14 March 1985	29 July 1987
Belarus	19 December 1985	13 March 1987
Belgium	4 February 1985	
Belize		17 March 1986 a/
Benin		12 March 1992 a/
Bolivia	4 February 1985	
Bosnia and Herzegovina		6 March 1992 c/
Brazil	23 September 1985	28 September 1989
Bulgaria b/	10 June 1986	16 December 1986
Burundi		18 February 1993 a/
Cambodia		15 October 1992 a/
Cameroon		19 December 1986 a/
Canada b/	23 August 1985	24 June 1987

State	Date of signature	Date of receipt of the instrument of ratification or accession
Cape Verde		4 June 1992 a/
Chile	23 September 1987	30 September 1988
China	12 December 1986	4 October 1988
Colombia	10 April 1985	8 December 1987
Costa Rica	4 February 1985	11 November 1993
Croatia b/		8 October 1991 c/
Cuba	27 January 1986	
Cyprus b/	9 October 1985	18 July 1991
Czech Republic		1 January 1993 c/
Denmark b/	4 February 1985	27 May 1987
Dominican Republic	4 February 1985	
Ecuador b/	4 February 1985	30 March 1988
Egypt		25 June 1986 a/
Estonia		21 October 1991 a/
Ethiopia		14 March 1994 a/
Finland b/	4 February 1985	30 August 1989
France b/	4 February 1985	18 February 1986
Gabon	21 January 1986	
Gambia	23 October 1985	
Germany	13 October 1986	1 October 1990
Greece b/	4 February 1985	6 October 1988
Guatemala		5 January 1990 b/
Guinea	30 May 1986	10 October 1989
Guyana	25 January 1988	19 May 1988
Hungary b/	28 November 1986	15 April 1987

State	Date of signature	Date of receipt of the instrument of ratification or accession
Iceland	4 February 1985	
Indonesia	23 October 1985	
Ireland	28 September 1992	
Israel	22 October 1986	3 October 1991
Italy b/	4 February 1985	12 January 1989
Jordan		13 November 1991 a/
Latvia		14 April 1992 a/
Libyan Arab Jamahiriya		16 May 1989 a/
Liechtenstein b/	27 June 1985	2 November 1990
Luxembourg b/	22 February 1985	29 September 1987
Malta b/		13 September 1990 a/
Mauritius		9 December 1992 a/
Mexico	18 March 1985	23 January 1986
Monaco b/		6 December 1991 a/
Morocco	8 January 1986	21 June 1993
Nepal		14 May 1991 a/
Netherlands b/	4 February 1985	21 December 1988
New Zealand b/	14 January 1986	10 December 1989
Nicaragua	15 April 1985	
Nigeria	28 July 1988	
Norway b/	4 February 1985	9 July 1986
Panama	22 February 1985	24 August 1987
Paraguay	23 October 1989	12 March 1990
Peru	29 May 1985	7 July 1988
Philippines		18 June 1986 a/

State	Date of signature	Date of receipt of the instrument of ratification or accession
Poland b/	13 January 1986	26 July 1989
Portugal b/	4 February 1985	9 February 1989
Romania		18 December 1990 a/
Russian Federation b/	10 December 1985	3 March 1987
Senegal	4 February 1985	21 August 1986
Seychelles		5 May 1992 a/
Sierra Leone	18 March 1985	
Slovakia		29 May 1993 a/
Slovenia b/		16 July 1993 a/
Somalia		24 January 1990 a/
South Africa	29 January 1993	
Spain b/	4 February 1985	21 October 1987
Sri Lanka		3 January 1994 a/
Sudan	4 June 1986	
Sweden b/	4 February 1985	8 January 1986
Switzerland b/	4 February 1985	2 December 1986
Togo b/	25 March 1987	18 November 1987
Tunisia b/	26 August 1987	23 September 1988
Turkey b/	25 January 1988	2 August 1988
Uganda		3 November 1986 a/

State	Date of signature	Date of receipt of the instrument of ratification or accession
Ukraine	27 February 1986	24 February 1987
United Kingdom of Great Britain and Northern Ireland d/	15 March 1985	8 December 1988
United States of America	18 April 1988	
Uruguay b/	4 February 1985	24 October 1986
Venezuela b/	15 February 1985	29 July 1991
Yemen		5 November 1991 a/
Yugoslavia b/	18 April 1989	10 September 1991

a/ Accession.

b/ Made the declarations under articles 21 and 22 of the Convention.

c/ Succession.

d/ Made the declaration under article 21 of the Convention.